

### REMARKS

Claims 43-78 are pending in the application, with claims 43, 47, 51, 55, 59, 64, 69 and 74 being independent. Claims 1-42 were previously canceled. Claims 59-78 have been added. Each of new independent claims 59, 64, 69 and 74 recites all of the features of claim 43 and is allowable for at least the reasons that claim 43 is allowable.

Claims 43-46 and 51-54 have been rejected under 35 U.S.C. 102(a) as being anticipated by Masata, JP 08-171082, which was published on July 2, 1996. Applicant requests reconsideration and withdrawal of this rejection because Masata was not published prior to the invention of the present subject matter by the applicant and, accordingly, does not qualify as prior art under section 102(a). In particular, the present application claims priority through a chain of applications back to U.S. Application No. 08/770,703, which was filed on December 19, 1996, and which claimed priority to Japanese Application No. 07-349670 ("the Japanese priority document"), which was filed December 20, 1995, prior to the publication of Masata. As evidenced by the attached verified translation of the Japanese priority document, the Japanese priority document supports the claimed subject matter, and, as such, establishes that Masata was not published prior to the invention by the applicant.

Claims 43-48 have been rejected for obviousness-type double patenting over claims 2-7, 9-14 and 16-21 of U.S. Patent No. 6,498,634, and have been provisionally rejected for obviousness-type double patenting over claims 9-13 and 15-20 of U.S. Application Serial No. 10/305,226. Applicant requests withdrawal of these rejections in view of the terminal disclaimer that is being filed with this response.

Applicant submits that all claims are in condition for allowance.

Applicant : Shunpei Yamazaki et al.  
Serial No. : 10/807,273  
Filed : March 24, 2004  
Page : 10 of 10

Attorney's Docket No.: 07977-  
106004 / US3197D1D1D1

Enclosed is a \$860 check (\$640 for excess claim fees, \$110 for the terminal disclaimer fee and a \$110 check for the Petition for Extension of Time fee). Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 11/30/04

  
\_\_\_\_\_  
John F. Hayden  
Reg. No. 37,640

Customer No. 26171  
Fish & Richardson P.C.  
1425 K Street, N.W., 11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

40254967.doc